

REMARKS

Reconsideration and allowance of the application are respectfully requested in light of the following remarks.

In the Office Action at page 2, item 1, the drawings are objected to under 37 CFR 1.83(a) because they fail to show the means for orienting the nozzles and the supply switching systems (page 5) as described in the specification. However, it is respectfully submitted that the schematic representation of nozzles 4,6,7 and 8 is sufficient, because the structure of said nozzles are well-known in the art, as shown (for example) by the prior art documents cited by the Examiner himself in the claim rejections. Accordingly, it is respectfully submitted that the objections to the drawings should be withdrawn.

The Abstract has been amended to better conform with U.S. practice.

The specification has been amended to include section headings. No new matter is believed to be introduced by the amendment of the specification.

Claims 16, 17, 19, 24-26 and 28-30 have been amended to overcome the applied objections and indefiniteness rejections, to remove the recited reference characters, dashes, asterisks, and bullets, and to replace language that could be construed as means-plus-function language with more clearly structural language. Accordingly, it is respectfully submitted that the rejections of claims 16, 17, 19, 24-26 and 28-30 under 35 U.S.C. § 112, second paragraph, should be withdrawn.

Claim 16 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Kubota et al (U.S. Patent 4,913,379). Claims 16-19 are alternatively rejected under 35 U.S.C. § 103(a) as being unpatentable over Damblanc (U.S. Patent 3,112,669). Claims 16-19 are alternatively rejected under 35 U.S.C. § 103(a) as being unpatentable over Girardeau et al (U.S. Patent

5,405,103) in view of Maykut (U.S. Statutory Invention Registration H236). Claims 20-24 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Girardeau et al (U.S. Patent 5,405,103) in view of Maykut (U.S. Statutory Invention Registration H236) and Hubricht et al (U.S. Patent 5,181,673).

Claim 16 has been amended to recite the features of:

" ...said lift and displacement motor is able to ensure the lift and the displacements of said flying object in an observation position for which said object is at least approximately vertical with the rear end of said flying object directed downwards;

said attitude motor is able to maintain said flying object in said at least approximately vertical observation position; and

said picture taking unit is disposed at the rear part of said elongate body and able to observe said ground when said flying object is in said at least approximately vertical observation position."

As stated in pages 1 to 5 of the present application, the invention relates to a flying object able to: (1) fly in vertical position in order to be less vulnerable to terrestrial antiaerial defenses of an enemy, (2) observe the ground when in vertical position, (3) detect a target (even concealed behind an obstacle) when in vertical position, and (4) attack any detected target from said vertical position. None of the cited references, alone or in combination, teach or suggest each of the recited features of claim 16. Furthermore, it is improper for the Office to take "Official Notice" of the claimed feature that " said picture taking unit is disposed at the rear part of said elongate body and able to observe said ground when said flying object is in said at least approximately vertical observation position." This technical feature of claim 16 is not "capable of instant and unquestionable demonstration of being well known." MPEP 2144.03. It is not known to provide a camera on board the rear part of a missile in order to enable said camera to observe the ground when the missile flies in a vertical position. Accordingly, it is respectfully submitted that the rejection of claim 16 should be withdrawn for at least this reason.

Claims 17-24 depend on claim 16. Accordingly, it is respectfully submitted that the rejections of claims 17-24 under 35 U.S.C. § 103(a) should be withdrawn for at least the same reasons that the rejection of claim 16 should be withdrawn.

In view of the above, it is submitted that this application is in condition for allowance and a notice to that effect is respectfully solicited.

If any issues remain which may best be resolved through a telephone communication, the Examiner is requested to telephone the undersigned at the local Washington, D.C. telephone number listed below.

Respectfully submitted,

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